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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,401	04/10/2006	Kazuo Hara	NNA-111-B	3767

48980 7590 06/11/2009
YOUNG BASILE
3001 WEST BIG BEAVER ROAD
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TROY, MI 48084

EXAMINER	
LICHTI, MATTHEW L	

ART UNIT	PAPER NUMBER
3663	

NOTIFICATION DATE	DELIVERY MODE
06/11/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@youngbasile.com
audit@youngbasile.com

Office Action Summary	Application No.	Applicant(s)	
	10/575,401	HARA ET AL.	
	Examiner	Art Unit	
	Matthew Lichti	3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 03/23/09.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-19 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-19 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendments/Arguments

1. Receipt by the international bureau of a certified copy of foreign priority application JP-2004-361986 is acknowledged.

2. The amendment to claim 13 overcomes the claim objection.

3. Applicant's argues that Kato et al. fails to teach or suggest the limitations of the independent claims as amended.

The independent claims as amended now require that the reaction force be "based on" a formula including a steering angle term, a steering velocity term, and a steering accelerating term. At least one coefficient or gain is varied if hand-off state is detected, although not necessarily a coefficient or gain related to steering angle/velocity/acceleration.

Kato et al. teaches in figures 2 through 10 the formula for calculating the reaction force. The part of the formula used in a hands-on state is shown in figure 5, and the parts of the formula used in hands-off state are shown in figures 4, 7, and 10. It is clear from the figures that many coefficients and gains (T, I, K, P, D, H, V, J) vary based on whether hand-off state is detected. The figures also teach using steering angle, velocity, and acceleration as explained below.

a. When hands-free state is detected, Kato teaches using steering angle θ_M and θ_S in steps S14 and S16 of figure 4, step 56 of figure 7, and step S74 of figure 10. Kato also teaches steering angular velocity $d\theta_M$ and $d\theta_S$ in step s58 and s60 of figure 7. The proportional element of step s66 is in effect a steering

acceleration term because it takes a difference in steering velocity between two cycles which would be a change in steering velocity with respect to time.

- From step S66, the proportional element P_n equals $(\Delta H_n - \Delta H_{n-1})*K_{p3}$,
- By substituting from s62, P_n equals $((d\theta_{Mn} - d\theta_{Mn-1}) - (d\theta_{Sn} - d\theta_{Sn-1}))*K_{p3}$
- This means P_n is proportional to $dd\theta_M - dd\theta_S$, the difference between the measured and actual angular accelerations (col. 9, lines 40-47)

b. When the hands free-state is not detected, the control signal is based on a steering angle term θ_S (col. 8, lines 1-9, figure 5, step s30, T_M is based on θ_S). Since Kato et al. do not particularly disclose using steering angular velocity and steering angular acceleration when hands-free state is not detected, the coefficients for these terms can be considered to be set to zero when hand-free state is not detected.

4. In response to applicant's argument that the examiner's conclusion of obviousness for the 103 rejections is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

5. With respect to the 103 rejections in view of Higashira, Kato does in fact consider the road surface (col. 2, lines 22-32) in the reaction torque which is based on replicating

the steering feel of a mechanically connected steering wheel in a hands on state (col. 1, lines 49-67) but only applies torque to return to neutral in a hands off state (col. 2, lines 11-21). Since the purpose of the road surface reaction force is to recreate the feel, it would obviously not be used to calculate reaction force in a hands-off state. The term "indicative of road surface reaction force" is very broad, and does not require any specific sensors. The steering angle and steering torque signals used to determine reaction force in the hands-on state (figure 5, col. 8, lines 1-14) can be indicative of a road surface reaction force, and the coefficients are different in the hands-off state of figures 4, 7, and 10.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims **1, 3, 6, 7, 9, 12-14, 16**, and **19** are rejected under 35 U.S.C. 102(b) as being anticipated by Kato et al. in view of Serizawa et al. (U.S. 5,347,458)).

8. Regarding claim 1, Kato et al. disclose a steering control device for use in a vehicle having a steering wheel that receives steering input, and an electronically-controlled steering unit that turns the vehicle's wheels over a road surface based on the position of the steering wheel, comprising:

a reaction force device (fig. 1, reaction force actuator 3) coupled to the steering wheel (2) and responsive to a control signal (reaction force torque signal from steering control unit 4) to apply a steering reaction force to the steering wheel (col. 6, lines 7-13);

a hands-free sensor (fig. 1, steering control unit 4, vehicle speed sensor 6, torque sensor 32) adapted to generate a signal indicative of whether the steering wheel is in a hands-on state or a hands-off state (fig. 3, col. 7, lines 15-29; col. 5, lines 27-29); and

a controller (steering control unit 4, reaction force inhibitor, col. 5, lines 29-31) adapted to vary the control signal in response to the hands-free sensor signal to reduce the steering reaction force applied when the hands-off state is indicated relative to the steering reaction force applied when the hands-on state is indicated (fig. 4, signal varied to reduce reaction force, col. 7, lines 11-14; fig. 10, col. 11, lines 1-11).

Kato et al. further teaches in figures 2 through 10 the formula for calculating the reaction force. The part of the formula used in a hands-on state is shown in figure 5, and the parts of the formula used in hands-off state are shown in figures 4, 7, and 10. The figures also teach using steering angle, velocity, and acceleration. When hands-free state is detected, Kato teaches using steering angle θ_M and θ_S in steps S14 and S16 of figure 4, step 56 of figure 7, and step S74 of figure 10. Kato also teaches steering angular velocity $d\theta_M$ and $d\theta_S$ in step s58 and s60 of figure 7. The proportional element of step s66 is in effect a steering acceleration term because it takes a difference in steering velocity between two cycles which would be a change in steering velocity with respect to time.

- From step S66, the proportional element P_n equals $(\Delta H_n - \Delta H_{n-1})*K_{p3}$,

- By substituting from s62, P_n equals $((d\theta_{Mn} - d\theta_{Mn-1}) - (d\theta_{Sn} - d\theta_{Sn-1})) *K_{p3}$
- This means P_n is proportional to $dd\theta_M - dd\theta_S$, the difference between the measured and actual angular accelerations (col. 9, lines 40-47)

When the hands free-state is not detected, the control signal is based on a steering angle term θ_S (col. 8, lines 1-9, figure 5, step s30, T_M is based on θ_S). Since Kato et al. do not specifically teach using steering angular velocity and acceleration when hands-free state is not detected, the coefficients for these terms can be considered to be set to zero when hand-free state is not detected.

However, if the equations for hands-off (figure 7) and hands-on states (figure 4) of Kato et al. are considered separate formulas rather than different parts of the formula that vary the terms/coefficients/gains, it would be obvious to use one equation with position, velocity, and acceleration terms in view of Serizawa et al.

Serizawa et al. teach a steer by sire system with steering angle velocity and acceleration detection sensors adapted to generate a signal indicative of the steering angle velocity and acceleration (steering angle obtained from potentiometers 3 and 4 and encoder 5, col. 5, lines 2-3, derivatives taken, col. 5, lines 21-26); wherein the steering reaction device applies a steering reaction force corresponding to the indicated steering angle velocity and acceleration (col. 7, lines 8-18, fig. 4c);

It would have been obvious to one of ordinary skill in the art at the time the invention was for the system of Kato et al. to include using steering angle velocity and steering angle acceleration to calculate the reaction force as taught by S et al. because the reaction force is supposed to replicate the feeling of a mechanically coupled

steering wheel and steering velocity and acceleration effects the feeling of steering a mechanically coupled steering wheel. Since steering angle velocity & acceleration are used in the Kato's hands off state embodiment of figure 7, it would be obvious to use these terms in the hands-on state as well to simplify the formula, such as in the embodiment of figure 10, (col. 3, lines 51-54).

9. Regarding claim 7, Kato et al. disclose a vehicle having road wheels (fig. 1, wheels 10), comprising:

a steering unit (steering wheel 2);

an electronically-controlled turning unit (steering motor 5) responsive to the steering unit (2) which turns the road wheels based on the position of the steering unit (col. 5, lines 22-27) ;

a steering reaction force applicator (3) adapted for applying a steering reaction force to the steering unit (col. 5, lines 21-22);

a hands-free sensor (fig. 1, steering control unit 4, vehicle speed sensor 6, torque sensor 32) adapted for detecting whether the steering unit is in a hands-off state or a hands-on state (fig. 3, col. 7, lines 15-29; col. 5, lines 27-29); and

a steering reaction force correction component (reaction force inhibitor, col. 5, lines 29-31) adapted for reducing the steering reaction force applied when the hands-off state is detected relative to the steering reaction force applied when the hands-on state is detected (fig. 4, reaction force R8 reduced to if R4 is YES, col. 7, lines 11-14).

Kato et al. further teaches in figures 2 through 10 the formula for calculating the reaction force. The part of the formula used in a hands-on state is shown in figure 5, and the parts of the formula used in hands-off state are shown in figures 4, 7, and 10. The figures also teach using steering angle, velocity, and acceleration. When hands-free state is detected, Kato teaches using steering angle θ_M and θ_S in steps S14 and S16 of figure 4, step 56 of figure 7, and step S74 of figure 10. Kato also teaches steering angular velocity $d\theta_M$ and $d\theta_S$ in step s58 and s60 of figure 7. The proportional element of step s66 is in effect a steering acceleration term because it takes a difference in steering velocity between two cycles which would be a change in steering velocity with respect to time.

- From step S66, the proportional element P_n equals $(\Delta H_n - \Delta H_{n-1})*K_{p3}$,
- By substituting from s62, P_n equals $((d\theta_{Mn} - d\theta_{Mn-1}) - (d\theta_{Sn} - d\theta_{Sn-1}))*K_{p3}$
- This means P_n is proportional to $dd\theta_M - dd\theta_S$, the difference between the measured and actual angular accelerations (col. 9, lines 40-47)

When the hands free-state is not detected, the control signal is based on a steering angle term θ_S (col. 8, lines 1-9, figure 5, step s30, T_M is based on θ_S). Since Kato et al. do not specifically teach using steering angular velocity and acceleration when hands-free state is not detected, the coefficients for these terms can be considered to be set to zero when hand-free state is not detected.

However, if the equations for hands-off (figure 7) and hands-on states (figure 4) of Kato et al. are considered separate formulas rather than different parts of the formula

that vary the terms/coefficients/gains, it would be obvious to use one equation with position, velocity, and acceleration terms in view of Serizawa et al.

Serizawa et al. teach a steer by sire system with steering angle velocity and acceleration detection sensors adapted to generate a signal indicative of the steering angle velocity and acceleration (steering angle obtained from potentiometers 3 and 4 and encoder 5, col. 5, lines 2-3, derivatives taken, col. 5, lines 21-26); wherein the steering reaction device applies a steering reaction force corresponding to the indicated steering angle velocity and acceleration (col. 7, lines 8-18, fig. 4c);

It would have been obvious to one of ordinary skill in the art at the time the invention was for the system of Kato et al. to include using steering angle velocity and steering angle acceleration to calculate the reaction force as taught by S et al. because the reaction force is supposed to replicate the feeling of a mechanically coupled steering wheel and steering velocity and acceleration effects the feeling of steering a mechanically coupled steering wheel. Since steering angle velocity & acceleration are used in the Kato's hands off state embodiment of figure 7, it would be obvious to use these terms in the hands-on state as well to simplify the formula, such as in the embodiment of figure 10, (col. 3, lines 51-54).

10. Regarding claim 13, Kato et al. disclose a vehicle (fig. 1) for controlling road wheels (10) of the vehicle comprising:

means (motor 5) for turning the road wheels (10) in response to a steering input of a steering unit (steering wheel 5, col. 5, lines 22-27);

means (reaction force actuator 3) for applying a steering reaction force to the steering unit (col. 5, lines 21-22);

means (fig. 1, steering control unit 4, vehicle speed sensor 6, torque sensor 32) for detecting whether the steering unit is in a hands-on or hands-off state (fig. 3, col. 7, lines 15-29; col. 5, lines 27-29); and

means (reaction force inhibitor, col. 5, lines 29-31) for reducing the steering reaction force in the hands-on state when the hands-off state is detected (fig. 4, reaction force reduced in hands-off state, col. 7, lines 11-14).

Kato et al. further teaches in figures 2 through 10 the formula for calculating the reaction force. The part of the formula used in a hands-on state is shown in figure 5, and the parts of the formula used in hands-off state are shown in figures 4, 7, and 10. The figures also teach using steering angle, velocity, and acceleration. When hands-free state is detected, Kato teaches using steering angle θ_M and θ_S in steps S14 and S16 of figure 4, step 56 of figure 7, and step S74 of figure 10. Kato also teaches steering angular velocity $d\theta_M$ and $d\theta_S$ in step s58 and s60 of figure 7. The proportional element of step s66 is in effect a steering acceleration term because it takes a difference in steering velocity between two cycles which would be a change in steering velocity with respect to time.

- From step S66, the proportional element P_n equals $(\Delta H_n - \Delta H_{n-1})*K_{p3}$,
- By substituting from s62, P_n equals $((d\theta_{Mn} - d\theta_{Mn-1}) - (d\theta_{Sn} - d\theta_{Sn-1}))*K_{p3}$
- This means P_n is proportional to $dd\theta_M - dd\theta_S$, the difference between the measured and actual angular accelerations (col. 9, lines 40-47)

When the hands free-state is not detected, the control signal is based on a steering angle term θ_S (col. 8, lines 1-9, figure 5, step s30, T_M is based on θ_S). Since Kato et al. do not specifically teach using steering angular velocity and acceleration when hands-free state is not detected, the coefficients for these terms can be considered to be set to zero when hand-free state is not detected.

However, if the equations for hands-off (figure 7) and hands-on states (figure 4) of Kato et al. are considered separate formulas rather than different parts of the formula that vary the terms/coefficients/gains, it would be obvious to use one equation with position, velocity, and acceleration terms in view of Serizawa et al.

Serizawa et al. teach a steer by sire system with steering angle velocity and acceleration detection sensors adapted to generate a signal indicative of the steering angle velocity and acceleration (steering angle obtained from potentiometers 3 and 4 and encoder 5, col. 5, lines 2-3, derivatives taken, col. 5, lines 21-26); wherein the steering reaction device applies a steering reaction force corresponding to the indicated steering angle velocity and acceleration (col. 7, lines 8-18, fig. 4c);

It would have been obvious to one of ordinary skill in the art at the time the invention was for the system of Kato et al. to include using steering angle velocity and steering angle acceleration to calculate the reaction force as taught by S et al. because the reaction force is supposed to replicate the feeling of a mechanically coupled steering wheel and steering velocity and acceleration effects the feeling of steering a mechanically coupled steering wheel. Since steering angle velocity & acceleration are used in the Kato's hands off state embodiment of figure 7, it would be obvious to use

these terms in the hands-on state as well to simplify the formula, such as in the embodiment of figure 10, (col. 3, lines 51-54).

11. Regarding claim 14, Kato et al. disclose a method for controlling the road wheels of a vehicle comprising:

turning the road wheels from a steering input via a steering unit (col. 5, lines 22-27);

applying a steering reaction force to the steering unit (col. 5, lines 21-22);

detecting whether the steering unit is in a hands-on or hands-off state (fig. 3, col. 7, lines 15-29; col. 5, lines 27-29); and

reducing the steering reaction force applied when the hands-off state is detected relative to the steering reaction force applied when the hands-on state is detected (col. 5, lines 29-31, fig. 4, reaction force reduced if hands-off detected, col. 7, lines 11-14).

Kato et al. further teaches in figures 2 through 10 the formula for calculating the reaction force. The part of the formula used in a hands-on state is shown in figure 5, and the parts of the formula used in hands-off state are shown in figures 4, 7, and 10. The figures also teach using steering angle, velocity, and acceleration. When hands-free state is detected, Kato teaches using steering angle θ_M and θ_S in steps S14 and S16 of figure 4, step 56 of figure 7, and step S74 of figure 10. Kato also teaches steering angular velocity $d\theta_M$ and $d\theta_S$ in step s58 and s60 of figure 7. The proportional element of step s66 is in effect a steering acceleration term because it takes a

difference in steering velocity between two cycles which would be a change in steering velocity with respect to time.

- From step S66, the proportional element P_n equals $(\Delta H_n - \Delta H_{n-1}) * K_{p3}$,
- By substituting from s62, P_n equals $((d\theta_{Mn} - d\theta_{Mn-1}) - (d\theta_{Sn} - d\theta_{Sn-1})) * K_{p3}$
- This means P_n is proportional to $dd\theta_M - dd\theta_S$, the difference between the measured and actual angular accelerations (col. 9, lines 40-47)

When the hands free-state is not detected, the control signal is based on a steering angle term θ_S (col. 8, lines 1-9, figure 5, step s30, T_M is based on θ_S). Since Kato et al. do not specifically teach using steering angular velocity and acceleration when hands-free state is not detected, the coefficients for these terms can be considered to be set to zero when hand-free state is not detected.

However, if the equations for hands-off (figure 7) and hands-on states (figure 4) of Kato et al. are considered separate formulas rather than different parts of the formula that vary the terms/coefficients/gains, it would be obvious to use one equation with position, velocity, and acceleration terms in view of Serizawa et al.

Serizawa et al. teach a steer by sire system with steering angle velocity and acceleration detection sensors adapted to generate a signal indicative of the steering angle velocity and acceleration (steering angle obtained from potentiometers 3 and 4 and encoder 5, col. 5, lines 2-3, derivatives taken, col. 5, lines 21-26); wherein the steering reaction device applies a steering reaction force corresponding to the indicated steering angle velocity and acceleration (col. 7, lines 8-18, fig. 4c);

It would have been obvious to one of ordinary skill in the art at the time the invention was for the system of Kato et al. to include using steering angle velocity and steering angle acceleration to calculate the reaction force as taught by S et al. because the reaction force is supposed to replicate the feeling of a mechanically coupled steering wheel and steering velocity and acceleration effects the feeling of steering a mechanically coupled steering wheel. Since steering angle velocity & acceleration are used in the Kato's hands off state embodiment of figure 7, it would be obvious to use these terms in the hands-on state as well to simplify the formula, such as in the embodiment of figure 10, (col. 3, lines 51-54).

12. Regarding claims 3, 9, and 16, Kato et al. teach using a different gain/coefficient for steering angle in hands-off state than when hands off state is not detected (in hands-on, a table is used from steering angle, col. 8, lines 1-9; different coefficients used in the hands on embodiments of figure 4 which uses Kl). The embodiment of figure 10 teaches reducing the reaction force in the hands-off state which would reduce the the reaction force corresponding to steering angle (col. 11, lines 1-10)

13. Regarding claims 4, 5, 10, 11, 17, and 18 Kato et al. disclose steering velocity and acceleration gains in the hands-off state (figure 7, velocity gain Kl3 in step s64, acceleration gain Kp3 in step s66) and reducing all components of the reaction force in hands-off state from the reaction force used in the hands-on state (col. 11, lines 1-10). However Kato et al. do not particularly disclose reducing the reaction force corresponding to steering velocity/acceleration.

Serizawa et al. teach a steer by sire system with steering angle velocity and acceleration detection sensors adapted to generate a signal indicative of the steering angle velocity and acceleration (steering angle obtained from potentiometers 3 and 4 and encoder 5, col. 5, lines 2-3, derivatives taken, col. 5, lines 21-26); wherein the steering reaction device applies a steering reaction force corresponding to the indicated steering angle velocity and acceleration (col. 7, lines 8-18, fig. 4c);

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the steer-by-wire system of Kato et al. to include using steering angle velocity and/or steering angle acceleration to calculate the reaction force as taught by S et al. because the reaction force is supposed to replicate the feeling of a mechanically coupled steering wheel and steering velocity and acceleration effects the feeling of steering a mechanically coupled steering wheel. It would be obvious to use with the embodiment of figure 10 of Kato where all components of the reaction force are reduced.

14. Regarding claims 6, 12, and 19, Kato et al. disclose a steering torque detection sensor (torque sensor 32) adapted to generate a signal indicative of steering torque (Ts, col. 8, lines 9-14; fig. 5 step 32); and wherein the controller is further adapted to vary the reaction force when the indicated steering torque decreases and the hands-off state is not indicated (fig. 4, reaction force is reduced, col. 7, lines 11-14)

15.

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

17. Claims **2, 8,** and **15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato et al. (U.S. 6,082,482) in view of Higashira et al. (U.S. 5,908,457).

Regarding claims 2, 8, and 15, Kato considers the road surface (col. 2, lines 22-32) in the reaction torque which is based on replicating the steering feel of a mechanically connected steering wheel in a hands on state (col. 1, lines 49-67) but only applies torque to return to neutral in a hands off state (col. 2, lines 11-21). The term "indicative of road surface reaction force" is very broad, and does not require any specific sensors. The steering angle and steering torque signals used to determine reaction force in the hands-on state (Kato, figure 5, col. 8, lines 1-14) can be indicative of a road surface reaction force, and the coefficients are different in the hands-off state of figures 4, 7, and 10. However, Kato do not particularly disclose reducing a road surface reaction torque coefficient or gain.

Higashira et al. teach steer-by-wire system with a road surface reaction force sensor adapted to generate a signal indicative of road surface reaction force (fig. 1, sensors 7b, 7c, & 7d determine the friction coefficient of the road surface), wherein the reaction force device is further adapted to apply the steering reaction force corresponding to the indicated road surface reaction force (col. 9, lines 44-57).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the steer-by-wire system that reduces reaction force when a hands off state is detected of Kato et al. to include using a using road surface friction to calculate the reaction force as taught by Higashira et al. because the reaction force is supposed to replicate the feeling of a mechanically coupled steering wheel and the road surface friction effects the feeling of steering a mechanically coupled steering wheel. Since the purpose of the road surface reaction force is to recreate the feel, it would be obvious to reduce or eliminate in a hands-off state.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew Lichti whose telephone number is (571) 270-5374. The examiner can normally be reached on Monday - Friday 8:30 AM - 5:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on (571)272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. L./
Examiner, Art Unit 3663

/Jack W. Keith/

Supervisory Patent Examiner, Art Unit 3663